



Joseph C. Farwell
Network Community Outreach Manager
1515 E Woodfield Rd
10th Floor
Schaumburg, IL 60173 US
Phone: (847)894-3575
Joseph.farwell@verizon.com

March 23, 2020

Via E-Mail to:

Ms. Kathleen Gargano
Hinsdale Village Manager
19 East Chicago Avenue
Hinsdale, IL 60521

Re: Village of Hinsdale's General Guidelines and Small Wireless Facility Design, Stealth, and Concealment Standards

Dear Ms. Gargano,

Please be advised that Verizon Wireless intends to begin submitting applications to place small wireless facilities in the Hinsdale right-of-way, pursuant to the Illinois Small Wireless Facilities Deployment Act, the FCC's Third Report and Order and Declaratory Ruling effective January 14, 2019, and the codes and ordinances published by the Village of Hinsdale that apply to small wireless facilities in Village right-of-way.

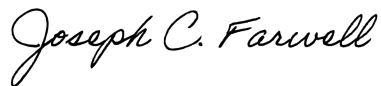
In preparing these applications, Verizon has reviewed the General Guidelines and Small Wireless Facility Design, Stealth, and Concealment Standards ("Design Standards) published by the Village of Hinsdale on October 31, 2019. We write to memorialize our concerns regarding the Design Standards, as a number of the standards conflict with applicable state and federal law because they are they are patently unreasonable or unduly vague and/or subjective such that Verizon is left to guess at what will pass muster.

We have enclosed for your reference a memorandum detailing specific comments regarding the Design Standards. We ask that the Village consider this feedback when undertaking review and disposition of Verizon's applications. Verizon is committed to deploying our small cell network responsibly and to partnering with Hinsdale to achieve a fair and efficient permitting process. To this end, Verizon remains willing to meet with the Village to further discuss the Design Standards and any outstanding concerns relating to the application process or Verizon's deployment plans.

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Please also know that, in light of the ongoing disruptions caused by the COVID-19 pandemic, Verizon is ready to work with the Village in good faith to address any concerns relating to compliance with applicable shot clocks. If the Village has any questions or concerns regarding these, Verizon would be happy to schedule a meeting and can be available at your convenience anytime the week of April 6th. Please advise.

Very truly yours,

A handwritten signature in black ink that reads "Joseph C. Farwell". The signature is written in a cursive style with a large initial 'J'.

Joseph Farwell
Network Community Outreach Manager

Design Standards

General Standards.

- A(2) - Antennas shall, to the extent technically feasible, be designed and installed to appear hidden within the utility pole or to appear like an original part of the utility pole or wireless support structure
 - The definition of a “small wireless facility” under 50 ILCS 840/10 makes clear that Verizon is entitled to use antennas up to six cubic feet. By adopting this standard, the Village is limiting the size and dimensions of the small wireless facility to the size that would fit inside the Village’s pole.
 - The integrated pole design will not accommodate the equipment used by Verizon.
- (A)(3) - Unless otherwise approved by the Village Engineer and/or Village Planner, each antenna not hidden within a utility pole shall be located entirely within a shroud enclosure not more than six (6) cubic feet in volume that is *capable of accepting paint to match the approved color* of the small wireless facility.
 - The italicized portion is going to be technically infeasible, as the antennas Verizon proposes to deploy cannot be painted.
 - Second, the approved color must be published in advance of the application, pursuant to 50 ILCS 840/15(d)(6)(H).
- (A)(4) - Top-mounted antennas and their enclosures shall not extend beyond the diameter of the utility pole or wireless support structure at the level of the antenna attachment unless otherwise approved by the Village Engineer and/or Village Planner. There must be a smooth transition between the utility pole and antenna and enclosure. See Section H, Exhibit 1.
 - The definition of a “small wireless facility” under 50 ILCS 840/10 makes clear that Verizon is entitled to use antennas up to six cubic feet. By adopting this standard, the Village is limiting the size and dimensions of the small wireless facility to the size that would fit within the diameter of the pole, which we believe would therefore exceed the authority given to the Village.
- (A)(8) - For attachments to existing utility poles, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole, or if concealment is not technically feasible, flush mounted to an existing utility pole in an enclosed wire chase on which the facilities are collocated, which is painted or otherwise colored to match the existing pole. For new utility poles or wireless support structures, wires serving the small wireless facility shall be concealed within the hollow interior of the utility pole or wireless support structure, except as otherwise approved by the Village Engineer and/or Village Planner. See Section H, Exhibits 3A thru 3E.
 - Only poles of certain materials will allow the concealment of wiring within the interior of the pole and using such a pole may change the appearance of the poles so that they no longer match the surrounding poles. It may be best to write the standard that if the existing pole allows for concealment within the interior, then the wireless provider will contain the wiring within the pole and if the existing pole does not, then the wireless provider will conceal the cables within an enclosure.

- (A)(16) - Small wireless facility equipment shall not be mounted on any Village-owned ornamental street lights in the B-2 Central Business District, or in any Historic District.
 - Our understanding is that this would violate 50 ILCS 840/15(d)(3) (“Subject to paragraph (6), an authority may not require the placement of small wireless facilities on any specific utility pole, or category of utility poles, or require multiple antenna systems on a single utility pole.”)
 - Further, we would also make clear that this will result in more new poles as Verizon will need to install in these areas.
- (A)(17) - Small wireless facilities shall not be mounted within two hundred (200) feet of any residence
 - This violates 50 ILCS 840/15(d)(4) (“Subject to paragraph (6), an authority may not limit the placement of small wireless facilities mounted on a utility pole or a wireless support structure by minimum horizontal separation distances.”)
 - Further, this would materially inhibit Verizon’s ability to deploy its small cell network and result in an effective prohibition in residential areas under the FCC’s Declaratory Ruling and Third Report and Order.
- (A)(18) - The order of preference for the location for small wireless facilities from most preferred to least preferred is: a. Collocation with existing small wireless facilities; b. Roof-mounted; c. Building-mounted; d. Mounted on an existing wireless support structure or utility pole; e. Mounted on a new wireless support structure or utility pole that will replace an existing wireless support structure or utility pole; f. Mounted on a new wireless support structure.
 - We don’t believe that there is any mechanism for enforcing this preference under the state law. While we can try to follow the preference where these options are available, please keep in mind that small cells, given the network objectives they are designed to achieve, must be deployed in volume and close to users (which is typically within business and residential districts) such that the Village’s preferred siting will often not be available or viable options.
- (A)(19) - Small wireless facility equipment not mounted on a utility pole or wireless support structure other than an antenna and any electric meter or other equipment that must be placed above ground to function, shall be installed underground. Undergrounded equipment shall be installed flush to the ground, within three (3) feet of the associated utility pole or wireless support structure. Accessory equipment such as radios and computers that require an environmentally-controlled underground vault to function are not exempt from this subsection and shall be undergrounded. For equipment that must be placed above ground to function, landscaping shall be required to help mitigate the effects of the installation of any ground-mounted equipment. All ground-mounted equipment must be fully screened at all times.
 - It is not technically feasible to place the radios underground and this may violate 50 ILCS 840/15(d)(6)(D) as there is no waiver or other process (“the wireless provider comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver,

zoning, or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.”)

- (A)(23) - Small wireless facilities may not be collocated on the following structures, whether located in the public right-of-way or not: a. any utility pole scheduled for removal or relocation within twelve (12) months from the time the Village acts on the application; b. *new, non-replacement wood poles*
 - Our concern is that subsection (b) would violate 50 ILCS 840/15(d)(3) (“Subject to paragraph (6), an authority may not require the placement of small wireless facilities on any specific utility pole, or category of utility poles, or require multiple antenna systems on a single utility pole.”)

Replacement of a Street Light:

- (B)(15) - Existing ornamental light poles must be replaced with matching poles with respect to design and size.
 - This requirement is not technically feasible since the replacement poles will need to bear a larger structural load, they will likely need to be larger. However, Verizon intends to honor this request wherever possible.

Installation of New Wireless Support Structures, Where Allowed:

- (C)(1) - In the interest of administrative efficiency, the proposed location and design of new wireless support structures shall be reviewed with the Village Engineer and Village Planner prior to application. Such review does not constitute approval, but is instead designed to identify existing utility conflicts and other issues that might be readily identified and/or resolved by communication between the applicant and Village staff.
 - Verizon Wireless is more than willing to meet with the Village Engineer and Planner, as we believe having a good understanding with the municipality is critical prior to the filing of applications, we do not believe the Village can impose any such pre-application requirements as they would frustrate the purpose of the shot clocks set forth in 50 ILCS 840/15(d)(8).
 - Further, in paragraph 69 of the FCC Declaratory Ruling and Third Report and Order, the FCC stated that mandatory meetings do not toll the shot clocks, so that the meeting could actually start the shot clock for each application.
- (C)(2) - A new wireless support structure shall be designed to minimize the visual and aesthetic impact of the new vertical element and associated small wireless facilities upon the surrounding area and shall blend in with the surrounding streetscape with minimal visual impact. The Village may require a new wireless support structure to be constructed of a specific material that will enhance the stealth and concealment of the structure.
 - We believe that this standard is too vague and subjective to give us notice of what the Village actually requires.

- (C)(3) - New wireless support structures shall match the design, size, material and color of existing utility poles, including street light poles and ornamental lights, within the immediate area, except as otherwise approved by the Village Engineer and/or Village Planner.
 - This requirement is not technically feasible since the replacement poles will need to bear a larger structural load, they will likely need to be larger. However, Verizon intends to honor this request wherever possible.
- (C)(9) - The outside diameter of any new wireless support structure shall not exceed the diameter of existing utility poles located within 300 feet of the location of the new wireless support structure
 - This requirement is not technically feasible since the replacement poles will need to bear a larger structural load, they will likely need to be larger. However, Verizon intends to honor this request wherever possible.
- (C)(12) - New wireless support structures incorporating pole-mounted small wireless facilities shall be uniformly tapered in diameter from the base to the top, with a maximum diameter of twelve (12) inches at the base and a maximum diameter of eight (8) inches at the top, unless an alternative design is approved by the Village Engineer and/or Village Planner. Incorporation of equipment within an equipment enclosure in the base or other portion of the pole is preferred.
 - Are the standards in this Section in addition to the requirement to match existing pole size? Verizon Wireless is concerned that the varying sizes are not technically feasible and would severely constrain the deployment of small wireless facilities beyond what is allowed under 50 ILCS 840/15(d)(6)(H).

Stealth and Concealment Requirements:

- (D)(5) - The wireless provider shall use the smallest suitable wireless facilities then in industry use, regardless of location, for the particular application.
 - This is not technically feasible as smaller technologies may be proprietary or not otherwise commercially available to Verizon Wireless. Further, this requirement will have a discriminatory impact on wireless carriers, as the carriers use different portions of the wireless spectrum, the equipment will vary in size.

Historic Districts and Landmarks:

- (E)(1) - Small wireless facilities shall not be mounted on any Village-owned ornamental street lights in any district;
 - Again, we believe that this violates 50 ILCS 840/15(d)(3) (“Subject to paragraph (6), an authority may not require the placement of small wireless facilities on any specific utility pole, or category of utility poles, or require multiple antenna systems on a single utility pole.”)